



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,766	11/07/2001	Robert H. Mimlitch III	50097-00003PT	9188

26231 7590 07/08/2003

FISH & RICHARDSON P.C.
5000 BANK ONE CENTER
1717 MAIN STREET
DALLAS, TX 75201

EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,766

Applicant(s)

MIMLITCH ET AL.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) 13, 14, 19, 41, 60-66 and 73-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-18, 20-40, 42-59 and 67-72 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 20-22 are objected to because of the following informalities:

Claim 20 (line 2) recites "said outwardly extending portion". It should recite --an outwardly extending portion--.

Claim 21 (line 2) recites "said outwardly extending portion". It should recite --an outwardly extending portion--.

Claim 22 (line 2) recites "are have terminating portions". It should recite --have terminating portions--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 9-11, 16, 25-27, 31-33, 38, 46-49, 51-53, 55-58 and 67-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Jensen et al. (USPN 6,220,456).

As to claim 1, Jensen et al. discloses a coupling member for converting a two-post equipment rack, comprising:

a vertical support member **20** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment means **30** coupled to the first lateral end, the equipment attachment means defining a supporting point for a load, the equipment attachment means being further adapted to secure to a load; and

means **22** for securing the coupling member to the two-post equipment rack (Figures 1-3).

As to claim 2, Jensen et al. discloses a coupling member wherein a supporting point emulates a vertical upright in a four-post equipment rack (Figure 2).

As to claim 3, Jensen et al. discloses a coupling member wherein an equipment attachment means **30** is a flange (Figure 3).

As to claim 4, Jensen et al. discloses a coupling member wherein a load comprises a sliding assembly (Figure 2).

As to claim 6, Jensen et al. discloses a coupling member wherein a load comprises electronic equipment (Figure 2).

As to claim 9, Jensen et al. discloses a coupling member wherein means **22** for securing the coupling member to the two-post rack comprises a rack attachment flange **22** coupled to the second lateral end of the vertical support member (Figure 3).

As to claim 10, Jensen et al. discloses a coupling member wherein the coupling member is adapted to be mounted adjacent to other coupling members and to be

Art Unit: 3679

supported by adjacent coupling members (adjacent coupling members **20** vertically rest upon each other; thus supporting adjacent coupling members; Figure 1).

As to claim 11, Jensen et al. discloses a coupling member comprising a coupling feature (edge of rack attachment means **22**; Figure 1).

As to claim 16, Jensen et al. discloses a coupling member wherein a rack attachment flange **22** is adapted to provide a load transfer path from a vertical support member **20** to the two-post equipment rack (Figure 2).

As to claim 25, Jensen et al. discloses a coupling member wherein the coupling member is formed in increments of one modular unit in height (Figure 1).

As to claim 26, Jensen et al. discloses a coupling member wherein a vertical support member **20** is provided with an opening **28** thereon (Figure 3).

As to claim 27, Jensen et al. discloses a coupling member wherein an opening **28** is adapted to provide ventilation (Figure 2).

As to claim 31, Jensen discloses a modified two-post rack, comprising:

a first vertical post **16** having a first side and a second side;

a second vertical post **16** having a first side and a second side, said second vertical post being coupled to the first post via a base **14**;

a first coupling member **20** coupled to and independently extending substantially horizontally outward from the first post, the first coupling member replicating a post in a four-post equipment rack; and

a second coupling member **20** coupled to and independently extending substantially horizontally outward from the second post, the second coupling member replicating a post in the four-post equipment rack (Figures 1-3).

As to claim 32, Jensen et al. discloses a modified two-post rack comprising:

a third coupling member **20** coupled to and independently extending substantially horizontally outward from a first post; and

a fourth coupling member **20** coupled to and independently extending substantially horizontally outward from a second post, first, second, third and fourth coupling members each substantially replicating a vertical upright in a four-post equipment rack (Figure 1).

As to claim 33, Jensen et al. discloses a modified two-post equipment rack wherein a first coupling member **20** comprises:

a vertical support member **20** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **30** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **22** coupled to the second lateral end of the vertical support (Figure 3).

As to claim 38, Jensen et al. discloses a modified two-post equipment rack comprising a rack attachment flange **22** being adapted to provide a load transfer path from a vertical support member **20** to the two-post equipment rack (Figure 2).

As to claim 46, Jensen et al. discloses a method for converting a two-post equipment rack to support four-post loads, comprising:

coupling independent four-post replicating mounting points on the two-post equipment rack, the four-post replicating mounting points being adapted to support the four-post loads (Figures 1-3).

As to claim 47, Jensen et al. discloses a method wherein mounting points comprise two independent coupling members **20** wherein each coupling member attaches to only one respective post **16** (Figure 2).

As to claim 48, Jensen et al. discloses a method wherein four-post replicating mounting points comprise four coupling members **20**.

As to claim 49, Jensen et al. discloses a method wherein one of four-post replicating mounting points comprise:

a vertical support member **20** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end,

an equipment attachment flange **30** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **22** coupled to the second lateral end of the vertical support member (Figure 2).

As to claim 51, Jensen et al. discloses a method for adapting a two-post equipment rack to support four-post loads, comprising:

coupling a first coupling member **20** to a first post **16**; and

coupling a second coupling member **20** to a second post **16**, wherein the first coupling member and the second coupling member emulate two of the four posts in a four-post rack; and

wherein the two-post equipment rack provides the remaining two posts in the four-post rack (Figures 1-3).

As to claim 52, Jensen et al. discloses a method comprising:

coupling a third coupling member **20** to a first post **16** substantially planar to and substantially parallel to a first coupling member **20**;

coupling a fourth coupling member **20** to a second post **16** substantially planar to and substantially parallel to the third coupling member;

wherein each of the coupling members emulate one respective post in a four-post rack (Figure 1).

As to claim 53, Jensen et al. discloses a method where a first coupling member comprises:

a vertical support member **20** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **30** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **22** coupled to the second lateral end of the vertical support member (Figure 3).

As to claim 55, Jensen et al. discloses a method comprising securing a load to

a vertical support member **20** of a first and a second coupling member (Figure 2).

As to claim 56, Jensen et al. discloses a method comprising securing a load to a vertical support member **20** of a first, a second, a third and a fourth coupling member (Figure 1).

As to claim 57, Jensen et al. discloses a method wherein a load comprises a slide assembly (Figure 2).

As to claim 58, Jensen et al. discloses a method comprising:

securing a fifth coupling member **20** to a first post **16**; and

securing a sixth coupling member **20** to a second post **16** (Figure 1).

As to claim 67, Jensen et al. discloses an equipment support device for two-post rack systems, comprising:

rack attachment means **22**;

an equipment attachment means **30** coupled to the rack attachment means; and

a coupling feature (edge of rack attachment means **22**) for connecting the support device to adjacent equipment support devices (adjacent support devices **20** rest upon each other; thus adjacent support devices are connected to one another; Figure 1).

As to claim 68, Jensen et al. discloses a method for racking a device having a four-post rack-mounting configuration to a two-post rack system, the method comprising:

installing a two-post to four-post adapter **20** on the two-post rack system, the two post to four-post adapter operable to support a device having a four-post rack-mounting configuration; and

mounting the device to the two-post to four-post adapter (Figures 1-3).

As to claim 69, Jensen et al. discloses a method wherein installing includes coupling the two-post to four-post adapter **20** to the two-post rack system (Figure 2).

As to claim 70, Jensen et al. discloses a method wherein coupling includes bolting a two post to four-post adapter **20** to the two-post rack system (Figure 2).

As to claim 71, Jensen et al. discloses a method wherein a two-post to four-post adapter **20** includes at least two coupling members **20** (Figure 2).

As to claim 72, Jensen et al. discloses a system for racking a device having a four-post rack-mounting configuration to a two-post rack system, the system comprising:

means **22** for installing a two-post to four-post adapter **20** on the two-post rack system, the two-post to four-post adapter operable to support a device **12** having a four-post rack mounting configuration; and

means **30** for mounting the device to the two-post to four-post adapter (Figures 1-3).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3679

5. Claims 1-3, 5-9, 11, 12, 16-18, 20, 21, 23-35, 38-40 and 42-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Siemon et al. (USPN 5,542,549).

As to claim 1, Siemon et al. discloses a coupling member for converting a two-post equipment rack, comprising:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment means **69** coupled to the first lateral end, the equipment attachment means defining a supporting point for a load, the equipment attachment means being further adapted to secure to a load; and

means **44** for securing the coupling member to the two-post equipment rack (Figures 6-12).

As to claim 2, Siemon et al. discloses a coupling member wherein a supporting point emulates a vertical upright in a four-post equipment rack (Figure 12).

As to claim 3, Siemon et al. discloses a coupling member wherein an equipment attachment means is a flange **69** (Figure 9).

As to claim 5, Siemon et al. discloses a coupling member wherein a load comprises a cable management arm (not shown).

As to claim 6, Siemon et al. discloses a coupling member wherein a load comprises electronic equipment (not shown).

As to claim 7, Siemon et al. discloses a coupling member comprising a first torsion member **46** coupled to a vertical support member **32** at a first longitudinal end (Figure 11).

As to claim 8, Siemon et al. discloses a coupling member comprising a second torsion member **46** coupled to a vertical support member **32** at a second longitudinal end (Figure 11).

As to claim 9, Siemon et al. discloses a coupling member wherein means **44** for securing the coupling member to the two-post rack comprises a rack attachment flange **44** coupled to the second lateral end of the vertical support member **32** (Figure 12).

As to claim 11, Siemon et al. discloses a coupling member comprising a coupling feature.

As to claim 12, Siemon et al. discloses a coupling member wherein a coupling feature (planar surface of torsion members **46**) is attached to a first torsion member **46** and on a second torsion member **46** (Figure 12).

As to claim 16, Siemon et al. discloses a coupling member wherein a rack attachment flange **44** is adapted to provide a load transfer path from a vertical support member **32** to the two-post equipment rack (Figure 12).

As to claim 17, Siemon et al. discloses a coupling member wherein a rack-attachment flange **44** is in a preloading configuration (Figure 12).

As to claim 18, Siemon et al. discloses a coupling member wherein the pre-loading configuration is provided by a rack attachment flange **44** being secured to a vertical support member **32** at an acute angle (not shown; the gap between torsion members **46** and attachment flange **44** allows the attachment flange to be bent to an acute angle; Figure 12).

As to claim 20, Siemon et al. discloses a coupling member wherein a first torsion member **46** further includes a lower flange end on an outwardly extending portion adapted to provide a pivot point for load support (Figure 12).

As to claim 21, Siemon et al. discloses a coupling member wherein a second torsion member **46** further includes a lower flange end on an outwardly extending portion adapted to provide a pivot point for load support (Figure 12).

As to claim 23, Siemon et al. discloses a coupling member wherein a first torsion member **46** is substantially perpendicularly coupled to a vertical support member **32** at the first longitudinal end (Figure 11).

As to claim 24, Siemon et al. discloses a coupling member wherein a second torsion member **46** is substantially perpendicularly coupled to a vertical support member **32** at the second longitudinal end (Figure 11).

As to claim 25, Siemon et al. discloses a coupling member wherein the coupling member is formed in increments of one modular unit in height.

As to claim 26, Siemon et al. discloses a coupling member wherein a vertical support member **32** is provided with an opening **48** thereon (Figure 7).

As to claim 27, Siemon et al. discloses a coupling member wherein an opening **48** is adapted to provide ventilation.

As to claim 28, Siemon et al. discloses a coupling member wherein an opening **48** provides tie-points for securement of cables thereto.

As to claim 29, Siemon et al. discloses a coupling member wherein a first torsion member **46** terminates at a point prior to an equipment attachment means **69**, forming a gap therein (Figure 9).

As to claim 30, Siemon et al. discloses a coupling member wherein a second torsion member **46** terminates at a point prior to an equipment attachment means **69**, forming a gap therein (Figure 9).

As to claim 31, Siemon discloses a modified two-post rack, comprising:

- a first vertical post **14** having a first side and a second side;

- a second vertical post **14** having a first side and a second side, said second vertical post being coupled to the first post via a base;

- a first coupling member **30** coupled to and independently extending substantially horizontally outward from the first post, the first coupling member replicating a post in a four-post equipment rack; and

- a second coupling member **30** coupled to and independently extending substantially horizontally outward from the second post, the second coupling member replicating a post in the four-post equipment rack (Figures 6-12).

As to claim 32, Siemon et al. discloses a modified two-post rack comprising:

- a third coupling member **30** coupled to and independently extending substantially horizontally outward from a first post **14**; and

- a fourth coupling member **30** coupled to and independently extending substantially horizontally outward from a second post **14**, first, second, third and fourth

Art Unit: 3679

coupling members each substantially replicating a vertical upright in a four-post equipment rack (Figure 12).

As to claim 33, Siemon et al. discloses a modified two-post equipment rack wherein a first coupling member comprises:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **69** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **44** coupled to the second lateral end of the vertical support (Figure 9).

As to claim 34, Siemon et al. discloses a modified two-post rack wherein a first coupling member comprises:

a first torsion member **46** coupled to a vertical support member **32** at the first longitudinal end; and

a second torsion member **46** coupled to the vertical support member at the second longitudinal end (Figure 11).

As to claim 35, Siemon et al. discloses a modified two-post equipment rack wherein a first coupling member **30** comprises a coupling feature (planar surface of the torsion member **46**) on a first torsion member **46** and on said second torsion member **46** (Figure 12).

As to claim 38, Siemon et al. discloses a modified two-post equipment rack comprising a rack attachment flange **44** being adapted to provide a load transfer path from a vertical support member **32** to the two-post equipment rack (Figure 12).

As to claim 39, Siemon et al. discloses a modified two-post equipment rack comprising a rack attachment flange **44** being in a pre-loading configuration (Figure 12).

As to claim 40, Siemon et al. discloses a modified two-post equipment rack wherein a pre-loading configuration comprises a rack attachment flange **44** being secured to a vertical support member at an acute angle (not shown; the gap between torsion members **46** and attachment flange **44** allows the attachment flange to be bent to an acute angle; Figure 12).

As to claim 42, Siemon et al. discloses a modified two-post equipment rack of comprising a first torsion member **46** having a lower flange end adapted to provide a pivot point for load support (Figure 12).

As to claim 43, Siemon et al. discloses a modified two-post equipment rack comprising a second torsion member **46** having a lower flange end adapted to provide a pivot point for load support (Figure 12).

As to claim 44, Siemon et al. discloses a modified two-post equipment rack comprising a first torsion member **46** substantially perpendicularly coupled to a vertical support member **32** at a first longitudinal end (Figure 11).

As to claim 45, Siemon et al. discloses a modified two-post equipment rack comprising a second torsion member **46** substantially perpendicularly coupled to a vertical support member **32** at a second longitudinal end (Figure 11).

As to claim 46, Siemon et al. discloses a method for converting a two-post equipment rack to support four-post loads, comprising:

coupling independent four-post replicating mounting points on the two-post equipment rack, the four-post replicating mounting points being adapted to support the four-post loads (Figures 6-12).

As to claim 47, Siemon et al. discloses a method wherein mounting points comprise two independent coupling members **30** wherein each coupling member attaches to only one respective post **14** (Figure 12).

As to claim 48, Siemon et al. discloses a method wherein four-post replicating mounting points comprise four coupling members.

As to claim 49, Siemon et al. discloses a method wherein one of four-post replicating mounting points comprise:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end,

an equipment attachment flange **69** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **44** coupled to the second lateral end of the vertical support member (Figure 9).

As to claim 50, Siemon et al. discloses a method wherein one of four-post replicating mounting points further comprise:

a first torsion member **46** coupled to a vertical support member **32** at the first longitudinal end; and

a second torsion member **46** coupled to the vertical support member at the second longitudinal end (Figure 11).

As to claim 51, Siemon et al. discloses a method for adapting a two-post equipment rack to support four-post loads, comprising:

coupling a first coupling member **30** to a first post **14**; and

coupling a second coupling member **30** to a second post **14**, wherein the first coupling member and the second coupling member emulate two of the four posts in a four-post rack; and

wherein the two-post equipment rack provides the remaining two posts in the four-post rack (Figures 6-12).

As to claim 52, Siemon et al. discloses a method comprising:

coupling a third coupling member **30** to a first post **14** substantially planar to and substantially parallel to a first coupling member **30**;

coupling a fourth coupling member **30** to a second post **14** substantially planar to and substantially parallel to the third coupling member;

wherein each of the coupling members emulate one respective post in a four-post rack (Figure 12).

As to claim 53, Siemon et al. discloses a method where a first coupling member comprises:

a vertical support member **32** having a first lateral end, a second lateral end, a first longitudinal end, and a second longitudinal end;

an equipment attachment flange **69** coupled to the first lateral end, the equipment attachment flange being adapted to emulate a vertical upright in a four-post equipment rack, the equipment attachment flange being further adapted to secure to a load; and

a rack attachment flange **44** coupled to the second lateral end of the vertical support member (Figure 9).

As to claim 54, Siemon et al. discloses a method wherein a first coupling member further comprises:

a first torsion member **46** coupled to a vertical support member **32** at the first longitudinal end; and

a second torsion member **46** coupled to the vertical support member **32** at the second longitudinal end (Figure 11).

As to claim 55, Siemon et al. discloses a method comprising securing a load to a vertical support member **32** of a first and a second coupling member **30**.

As to claim 56, Siemon et al. discloses a method comprising securing a load to a vertical support member **32** of a first, a second, a third and a fourth coupling member **30**.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3679

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siemon et al.

As to claim 22, Siemon et al. discloses a coupling member wherein first and second torsion members are have terminating portions formed at right angle relative to a vertical support member.

Siemon et al. fails to disclose a coupling member wherein first and second torsion members are have terminating portions formed at an obtuse angle relative to a vertical support member.

The applicant is reminded that a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a coupling member as disclosed by Siemon et al. to have first and second torsion members are have terminating portions formed at an obtuse angle relative to a vertical support member as such practice is a design consideration within the skill of the art.

Allowable Subject Matter

8. Claims 15 and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 15, Jensen et al. fails to disclose a coupling member wherein a coupling feature is adapted to secure to other coupling members adjacent thereto.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a coupling member as disclosed by Jensen et al. to have the above mentioned elements as there is no motivation for making such modifications.

As to claim 59, Jensen et al. fails to disclose a method comprising coupling a first coupling member to a fifth coupling member.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a method as disclosed by Jensen et al. to comprise the above mentioned step as there is no motivation for making such modifications.

10. Claims 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 36, Siemon et al. fails to disclose a modified two-post equipment rack wherein a first coupling member is adapted to be supported by adjacent vertical coupling members.

As to claim 37, Siemon et al. fails to disclose a modified two-post equipment rack wherein a coupling feature is adapted to secure to coupling members adjacent thereto.

It would not have been obvious to one having ordinary skill in the art at the time the invention was made to modify a rack as disclosed by Siemon et al. to have any of the above mentioned elements as there is no motivation for making such modifications.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to coupling members:

Boulay et al. (USPN 5,941,621), Reddicliffe (USPN 6,431,668) and Haney (US 2001/0040142 A1) are cited for pertaining to coupling members comprising a vertical support member having attachment flanges and torsion members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703)308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1114.

Application/Control Number: 10/008,766

Page 22

Art Unit: 3679

MPF

June 29, 2003



Lynne H. Browne
Supervisory Patent Examiner
Group Art Unit 3679